

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DEBRA RANDAZZO,

Plaintiff(s),

-against-

PROFESSIONAL RETAIL SERVICES INC., et al.,

Defendant(s).
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ORDER

CV 04-0684 (DRH)(WDW)

WALL, Magistrate Judge:

By order dated June 28, 2005, plaintiff's former counsel's motion to be relieved was granted and a conference was scheduled for July 26, 2005. The pro se plaintiff, Debra Randazzo, failed to appear at the status conference held on July 26, 2005. At that conference, defendants' attorney, John Ray, advised the court that he had spoken once with an attorney who expressed the possibility that he would represent Ms. Randazzo.¹ The court notes, however, that no attorney appeared on Ms. Randazzo's behalf at the conference and that no notice of appearance has been filed with the court. Moreover, plaintiff has not filed any opposition to defendants' pending motion for sanctions.

The court will extend one final opportunity to the plaintiff to avoid a recommendation of dismissal and to oppose the sanctions motion. Ms. Randazzo or her new attorney is ordered to appear for a conference on **August 23, 2005 at 2:00 p.m.** in Courtroom 820 in the Long Island Federal Courthouse in Central Islip. Defendants' counsel may appear by telephone and should provide the court with a contact number prior to the conference.

If plaintiff fails to appear, the undersigned will immediately recommend to Judge Hurley that the action be dismissed with prejudice, pursuant to the factors set forth in *LeSane v. Hall's Security Analyst, Inc.*, 239 F.3d 206 (2d Cir. 2001). The result of a dismissal with prejudice, should Judge Hurley accept the recommendation, would be the final disposition of the plaintiff's claims against the defendants in this lawsuit, subject only to an appeal to the Second Circuit. Furthermore, the undersigned will treat the sanctions motion as unopposed. The plaintiff is

¹Mr. Ray purportedly left a subsequent phone message with that attorney, but never received a return call.

strongly urged to consider this result in weighing her options, and to appear for the conference as ordered.

Dated: Central Islip, New York
July 26, 2005

SO ORDERED:

/s/ William D. Wall
WILLIAM D. WALL
United States Magistrate Judge